

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

GENERAL ORDER ADOPTING PROPOSED
AMENDMENTS TO FED.R.BANKR.P. 1007 (Interim)

IT APPEARING on September 19, 2006 the Judicial Conference approved for immediate distribution to the courts amendments to Fed.R.Bankr.P. 1007 (Interim) with a recommendation for their adoption through a general order, and for cause shown,

IT IS HEREBY ORDERED the attached proposed amendments to Fed.R.Bankr.P. 1007 (Interim) are adopted in their entirety without change in this District and shall be effective October 1, 2006 for all bankruptcy cases filed in the District of South Dakota on or after October 1, 2006 and shall remain effective until the amended Rule 1007 (Interim) is formally promulgated.

So ordered this 29th day of September, 2006.

BY THE COURT:

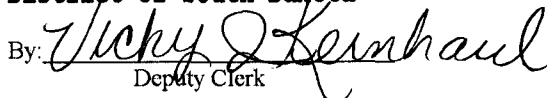


Charles L. Nail, Jr.
Bankruptcy Judge

ATTEST

Linda M. LaFortune
Acting Clerk, U.S. Bankruptcy Court
District of South Dakota

By:


Deputy Clerk

Interim Rule 1007. Lists, Schedules, and Statements, and Other Documents; Time Limits¹

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(b) SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED.

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(3) Unless the United States trustee has determined that the credit counseling requirement of § 109(h) does not apply in the district, an individual debtor must file ~~the certificate and debt repayment plan, if any, required by § 521(b), a certification under § 109(h)(3), or a request for a determination by the court under § 109(h)(4).~~ a statement of compliance with the credit counseling requirement, prepared

¹ The amendments are proposed to Interim Rule 1007. Therefore, the underlined additions and the strikeout deletions are to the Interim Rule adopted by the courts on or about October 17, 2005, and not to the existing national rule. This amendment is intended to operate along with the adoption of the amendments to Official Form 1, the voluntary petition.

as prescribed by the appropriate Official Form which must include one of the following:

(A) an attached certificate and debt repayment plan, if any, required by § 521(b);

(B) a statement that the debtor has received the credit counseling briefing required by § 109(h)(1) but does not have the certificate required by § 521(b);

(C) a certification under § 109(h)(3); or

(D) a request for a determination by the court under § 109(h)(4).

* * * * *

(c) TIME LIMITS. In a voluntary case, the schedules, and statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 15 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule. In an involuntary case, the list in subdivision (a)(2), and the schedules, statements, and other documents required by

subdivision (b)(1) shall be filed by the debtor within 15 days of the entry of the order for relief. ~~The documents required by subdivision (b)(3) shall be filed with the petition in a voluntary case. The statement required by subdivision (b)(7) shall be filed by the debtor within 45 days after the first date set for the meeting of creditors under § 341 of the Code in a chapter 7 case, and no later than the last payment made by the debtor as required by the plan or the filing of a motion for entry of a discharge under § 1328(b) in a chapter 13 case. The statement required by subdivision (b)(8) shall be filed by the debtor not earlier than the date of the last payment made under the plan or the date of the filing of a motion for entry of a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b). In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. Unless the court orders otherwise, if the debtor has filed a statement under subdivision (b)(3)(B), the documents required by subdivision (b)(3)(A) shall be filed within 15 days~~

of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within 45 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1328(b). The debtor shall file the statement required by subdivision (b)(8) no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time for the filing of the schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, ~~and to~~ any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.